

Union Calendar No. 236

104TH CONGRESS
2D Session

H. R. 2824

[Report No. 104-493]

A BILL

To authorize an exchange of lands in the State of
Utah at Snowbasin Ski Area.

MARCH 25, 1996

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 1995

Mr. HANSEN introduced the following bill; which was referred to the
Committee on Resources

MARCH 25, 1996

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A BILL

To authorize an exchange of lands in the State of Utah
at Snowbasin Ski Area.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Snowbasin Land Ex-
5 change Act of 1995”.

1 **SEC. 2. FINDINGS AND DETERMINATION.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) in June 1995, Salt Lake City, Utah, was
4 selected to host the 2002 Winter Olympic Games,
5 and the Snowbasin Ski Resort, which is owned by
6 the Sun Valley Company, was identified as the site
7 of six Olympic events: the men's and women's
8 downhill, men's and women's Super-Gs, and men's
9 and women's combined downhill;

10 (2) in order to adequately accommodate these
11 events, which are traditionally among the most pop-
12 ular and heavily attended at the Winter Olympic
13 Games, major new skiing, visitor, and support facili-
14 ties will have to be constructed at the Snowbasin Ski
15 Resort on land currently administered by the United
16 States Forest Service;

17 (3) while certain of these new facilities can be
18 accommodated on National Forest land under tradi-
19 tional Forest Service permitting authorities, the base
20 area facilities necessary to host visitors to the ski
21 area and the Winter Olympics are of such a nature
22 that they should logically be located on private land;

23 (4) land exchanges have been routinely utilized
24 by the Forest Service to transfer base area lands to
25 many other ski areas, and the Forest Service and
26 the Sun Valley Company have concluded that a land

1 exchange to transfer base area lands at the
2 Snowbasin Ski Resort to the Sun Valley Company is
3 both logical and advisable;

4 (5) an environmental impact statement and nu-
5 merous resource studies have been completed by the
6 Forest Service and the Sun Valley Company for the
7 lands proposed to be transferred to the Sun Valley
8 Company by this Act;

9 (6) the Sun Valley Company has assembled
10 lands with outstanding environmental, recreational,
11 and other values to convey to the Forest Service in
12 return for the lands it will receive in the exchange,
13 and the Forest Service has identified such lands as
14 desirable for acquisition by the United States; and

15 (7) completion of a land exchange and approval
16 of a development plan for Olympic related facilities
17 at the Snowbasin Ski Resort is essential to ensure
18 that all necessary facilities can be constructed, test-
19 ed for safety and other purposes, and become fully
20 operational in advance of the 2002 Winter Olympics
21 and earlier pre-Olympic events.

22 (b) DETERMINATION.—The Congress has reviewed
23 the previous analyses and studies of the lands to be ex-
24 changed and developed pursuant to this Act, and has
25 made its own review of these lands and issues involved,

1 and on the basis of those reviews hereby finds and deter-
2 mines that a legislated land exchange and development
3 plan approval is necessary to meet Olympic goals and
4 timetables.

5 **SEC. 3. PURPOSE AND INTENT.**

6 The purpose of this Act is to authorize and direct
7 the Secretary to exchange 1,320 acres of federally-owned
8 land within the Cache National Forest in the State of
9 Utah for lands of approximately equal value owned by the
10 Sun Valley Company. It is the intent of Congress that this
11 exchange be effected without delay within the period speci-
12 fied by section 5.

13 **SEC. 4. DEFINITIONS.**

14 As used in this Act—

15 (1) the term “Sun Valley Company” means the
16 Sun Valley Company, a division of Sinclair Oil Cor-
17 poration, a Wyoming Corporation, or its successors
18 or assigns; and

19 (2) the term “Secretary” means the Secretary
20 of Agriculture.

21 **SEC. 5. EXCHANGE.**

22 (a) FEDERAL SELECTED LANDS.—

23 (1) IN GENERAL.—Not later than 45 days after
24 the final determination of value of the Federal se-
25 lected lands, the Secretary shall, subject to this Act,

1 transfer all right, title, and interest of the United
2 States in and to the lands referred to in paragraph
3 (2) to the Sun Valley Company.

4 (2) LANDS DESCRIBED.—The lands referred to
5 in paragraph (1) are certain lands within the Cache
6 National Forest in the State of Utah comprising
7 1,320 acres, more or less, as generally depicted on
8 the map entitled “Snowbasin Land Exchange—Pro-
9 posed” and dated October 1995.

10 (b) NON-FEDERAL OFFERED LANDS.—Upon trans-
11 fer of the Federal selected lands under subsection (a), and
12 in exchange for those lands, the Sun Valley Company shall
13 convey to the Secretary all right, title and interest of the
14 Sun Valley Company in and to so much of the following
15 offered lands which have been previously identified by the
16 United States Forest Service as desirable by the United
17 States, or which are identified pursuant to paragraph (5),
18 as are of approximate equal value to the Federal selected
19 lands:

20 (1) Certain lands located within the exterior
21 boundaries of the Cache National Forest in Weber
22 County, Utah, which comprise approximately 640
23 acres and are generally depicted on a map entitled
24 “Lightning Ridge Offered Lands”, dated October
25 1995.

1 (2) Certain lands located within the Cache Na-
2 tional Forest in Weber County, Utah, which com-
3 prise approximately 635 acres and are generally de-
4 picted on a map entitled “Wheeler Creek Watershed
5 Offered Lands-Section 21”, dated October 1995.

6 (3) Certain lands located within the exterior
7 boundaries of the Cache National Forest in Weber
8 County, Utah, and lying immediately adjacent to the
9 outskirts of the City of Ogden, Utah, which comprise
10 approximately 800 acres and are generally depicted
11 on a map entitled “Taylor Canyon Offered Lands”,
12 dated October 1995.

13 (4) Certain lands located within the exterior
14 boundaries of the Cache National Forest in Weber
15 County, Utah, which comprise approximately 2,040
16 acres and are generally depicted on a map entitled
17 “North Fork Ogden River-Devil’s Gate Valley”,
18 dated October 1995.

19 (5) Such additional offered lands as may be
20 necessary to make the values of the lands exchanged
21 pursuant to this Act approximately equal, and which
22 are acceptable to the Secretary.

23 (c) SUBSTITUTION OF OFFERED LANDS.—If one or
24 more of the precise offered land parcels identified in para-
25 graphs (1) through (4) of subsection (b) is unable to be

1 conveyed to the United States due to appraisal or other
2 reasons, or if the Secretary and the Sun Valley Company
3 mutually agree and the Secretary determines that an al-
4 ternative offered land package would better serve long
5 term public needs and objectives, the Sun Valley Company
6 may convey to the United States alternative offered lands
7 acceptable to the Secretary in lieu of any or all of the
8 lands identified in paragraphs (1) through (4) of sub-
9 section (b).

10 (d) VALUATION AND APPRAISALS.—

11 (1) Values of the lands to be exchanged pursu-
12 ant to this Act shall be equal as determined by the
13 Secretary utilizing nationally recognized appraisal
14 standards. If due to size, location, or use of lands
15 exchanged under this Act, the values are not exactly
16 equal, they shall be equalized by the payment of
17 cash equalization money to the Secretary or the Sun
18 Valley Company as appropriate in accordance with
19 section 206(b) of the Federal Land Policy and Man-
20 agement Act of 1976 (43 U.S.C. 1716). In order to
21 expedite the consummation of the exchange directed
22 by this Act, the Sun Valley Company shall arrange
23 and pay for appraisals of the offered and selected
24 lands by a qualified appraiser mutually acceptable to
25 the Sun Valley Company and the Secretary. The ap-

1 appraisal of the Federal selected lands shall be com-
2 pleted and submitted to the Secretary for approval
3 no later than 90 days after the date of enactment
4 of this Act and the Secretary shall make a deter-
5 mination of value not later than 30 days after re-
6 ceipt of the appraisal. In the event the Secretary
7 and the Sun Valley Company are unable to agree to
8 the appraised value of a certain tract or tracts of
9 land, the appraisal, appraisals, or appraisal issues in
10 dispute and a final determination of value shall be
11 resolved through a process of bargaining or submit-
12 ted to arbitration in accordance with section 206(d)
13 of the Federal Land Policy and Management Act of
14 1976 (43 U.S.C. 1716(d)).

15 (2) In order to expedite the appraisal of the
16 Federal selected lands, such appraisal shall—

17 (A) value the land as a single entity for its
18 highest and best use as if in private ownership
19 and as of the date of enactment of this Act;

20 (B) consider the effect on value of im-
21 provements constructed on the land by the For-
22 est Service or third parties but not consider im-
23 provements owned or constructed by the
24 Snowbasin Ski Resort or previous permittee;

1 (C) recognize that Snowbasin is a proven
2 ski area and assume that special use permits
3 which are required for operation of a ski resort
4 would be granted a buyer of the Federal se-
5 lected lands;

6 (D) consider the effect on value, if any, of
7 the remaining permit periods of existing special
8 use permits on the lands held by parties other
9 than the Snowbasin Ski Resort;

10 (E) not reflect any enhancement in value
11 to the Federal selected lands based on the exist-
12 ence of private lands owned by the Sun Valley
13 Company in the vicinity of the Snowbasin Ski
14 Resort, and shall assume that private lands
15 owned by the Sun Valley Company are not
16 available for use in conjunction with the Fed-
17 eral selected lands; and

18 (F) reflect a diminution in value resulting
19 from deed restrictions or other conditions on
20 the transfer of the Federal selected lands.

21 **SEC. 6. GENERAL PROVISIONS RELATING TO THE EX-**
22 **CHANGE.**

23 (a) IN GENERAL.—The exchange authorized by this
24 Act shall be subject to the following terms and conditions:

1 (1) RESERVED RIGHTS-OF-WAY.—In the deed to
2 be issued pursuant to section 5(a), the Secretary
3 shall reserve in the United States a right of reason-
4 able access across the property conveyed for public
5 access and for administrative purposes of the United
6 States necessary to manage adjacent federally-owned
7 lands. The terms of such access shall be prescribed
8 by the Secretary within 30 days after the date of the
9 enactment of this Act.

10 (2) RIGHT OF RESCISSION.—This Act shall not
11 be binding on either the United States or the Sun
12 Valley Company if, within 30 days after the final de-
13 termination of value of the Federal selected lands,
14 the Sun Valley Company submits to the Secretary a
15 duly authorized and executed resolution of the Com-
16 pany stating its intention not to enter into the ex-
17 change authorized by this Act.

18 (b) WITHDRAWAL.—Subject to valid existing rights,
19 effective on the date of enactment of this Act, the Federal
20 selected lands described in section 5(a) and all National
21 Forest System lands currently under special use permit
22 to the Sun Valley Company at the Snowbasin Ski Resort
23 are hereby withdrawn from all forms of appropriation
24 under the public land laws (including the mining laws) and

1 from disposition under all laws pertaining to mineral and
2 geothermal leasing.

3 (c) DEED.—The conveyance of the offered lands to
4 the United States under this Act shall be by general war-
5 ranty or other deed acceptable to the Secretary and in con-
6 formity with applicable title standards of the Attorney
7 General of the United States.

8 (d) STATUS OF LANDS.—Upon acceptance of title by
9 the Secretary, the land conveyed to the United States pur-
10 suant to this Act shall become part of the Wasatch or
11 Cache National Forests as appropriate, and the bound-
12 aries of such National Forests shall be adjusted to encom-
13 pass such lands. Once conveyed, such lands shall be man-
14 aged in accordance with the Act of March 1, 1911, as
15 amended (commonly known as the “Weeks Act”), and in
16 accordance with the other laws, rules and regulations ap-
17 plicable to National Forest System lands. This subsection
18 does not limit the Secretary’s authority to adjust the
19 boundaries pursuant to section 11 of the Act of March
20 1, 1911 (“Weeks Act”). For the purposes of section 7 of
21 the Land and Water Conservation Fund Act of 1965 (16
22 U.S.C. 460l–9), the boundaries of the Wasatch and Cache
23 National Forests, as adjusted by this Act, shall be consid-
24 ered to be boundaries of the forests as of January 1, 1965.

1 **SEC. 7. PHASE I FACILITY CONSTRUCTION AND OPER-**
2 **ATION.**

3 (a) PHASE I FACILITY REVIEW AND FINDING.—The
4 Congress has reviewed the Snowbasin Ski Area Master
5 Development Plan dated October 1995 (hereinafter in this
6 Act referred to as the “Master Plan”), insofar as such
7 plan pertains to “Phase I” facilities which are to be con-
8 structed and operated wholly or partially on National For-
9 est System lands retained by the Secretary after con-
10 summation of the land exchange directed by this Act. On
11 the basis of such review, Congress hereby finds that the
12 Phase I facilities identified and described in the Master
13 Plan to be located on National Forest System lands, or
14 any modifications thereof mutually agreed to by the Sec-
15 retary and the Sun Valley Company, are reasonable and
16 necessary to accommodate the 2002 Olympics and directs
17 the Secretary to issue all necessary permits and authoriza-
18 tions for construction and operation of such facilities in
19 accordance with the procedures and provisions of this sec-
20 tion.

21 (b) PHASE I FACILITY APPROVAL, CONDITIONS AND
22 TIMETABLE.—Within 120 days of receipt of an applica-
23 tion by the Sun Valley Company to authorize construction
24 and operation of any particular Phase I facility, facilities,
25 or group of facilities, the Secretary, in consultation with
26 the Sun Valley Company, shall authorize construction and

1 operation of such facility, facilities, or group of facilities,
2 subject to the general policies of the Forest Service per-
3 taining to the construction and operation of ski area facili-
4 ties on National Forest System lands. In providing author-
5 ization to construct and operate a facility, facilities, or
6 group of facilities, the Secretary may not impose any con-
7 dition that would significantly change the location, size,
8 or scope of the applied for Phase I facility unless (1) the
9 modification is mutually agreed to by the Secretary and
10 the Sun Valley Company; or (2) the change is necessary
11 to protect public health and safety. In providing any such
12 authorization, the Secretary shall provide for resource pro-
13 tection without regard to section 102(2)(C) of the Na-
14 tional Environmental Policy Act of 1969 or the participa-
15 tion requirements of section 6(d) of the Forest and Range-
16 land Renewable Resources Planning Act of 1974 (16
17 U.S.C. 1604(d)). Nothing in this section shall be con-
18 strued to affect the Secretary's responsibility to monitor
19 and assure compliance with the conditions set forth in the
20 construction and operation authorization.

21 (c) CONGRESSIONAL DIRECTIONS.—Notwithstanding
22 any other provision of law, Congress finds consummation
23 of the land exchange directed by this Act and all deter-
24 minations, authorizations, and actions taken by the Sec-
25 retary pursuant to this Act pertaining to Phase I facilities

1 (or modifications thereof mutually agreed to by the Sec-
2 retary and the Sun Valley Company) to be non-discre-
3 tionary actions authorized and directed by Congress and
4 hence to comply with all procedural and other require-
5 ments of the laws of the United States.

6 (d) REPORT TO CONGRESS.—The Secretary shall re-
7 port to the Committee on Resources of the United States
8 House of Representatives and the Committee on Energy
9 and Natural Resources of the United States Senate as to
10 whether construction and operation of Phase I facilities
11 have provided for sufficient environmental protection on
12 National Forest System lands affected by such facilities.